

11/27/03

The opinion in support of the decision being entered today was
not written for publication in a law journal and is **not** binding
precedent of the Board.

Paper No. 21



UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

09-03-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #58

Ex parte SETHURAMAN SURESH, PHILIPPE RICHARD KAHN
and JOHN S. BAUMGARTEN

MAILED

Appeal No. 2001-1021
Application 08/923,612

AUG 06 2003

ON BRIEF

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before FLEMING, RUGGIERO, and LEVY, Administrative Patent Judges.

RECEIVED

FLEMING, Administrative Patent Judge.

OCT 07 2003

DECISION ON APPEAL

Technology Center 2100

This is decision on appeal from the final rejection of
claims 1 through 25 and 27 through 30, all the claims pending in
the instant application. Claim 26 has been canceled.

Invention

The invention relates generally to the management of information or datasets stored on electronic devices. In particular, the invention relates to a system implementing methods for maintaining synchronization of disparate datasets among a variety of such devices. See page 1 of Appellants' specification.

With each passing day, there is an increasing interest in providing synchronization solutions for connected information appliances. Information appliances are electronic devices such as cellular phones, pagers, hand-held devices, such as Palm® Pilots, as well as desktop computers. A problem facing such an environment today is that these devices do not communicate well with desktop computers, let alone with each other. See page 1 of Appellants' specification.

The applicants' invention provides a solution which handles all the different types of data from a variety of different electronic appliances. See page 3 of Appellants' specification. Appellants' solution is to use a global ID employed at the level of the record map. The global ID is global to the entire synchronization system. Even if a source dataset already provides unique IDs, those unique IDs are generally unique to the

device or unique to particular records on that device. Global ID which are employed at the record map must be global across multiple devices. Accordingly, the synchronization system provides a unique global identifier for each data item at the level of the Record Map. The global ID is employed throughout the synchronization process for supporting synchronization across multiple devices without creating duplicates. See page 5 of Appellants' specification.

Independent claim 1 present in the application sets forth the invention and is reproduced as follows:

1. In a system providing one dataset in communication with another dataset, a method for synchronizing datasets comprising:

receiving a request specifying synchronization of information records of a source dataset residing on a first device with information records of a target dataset residing on a second device;

determining a synchronization set by:

(i) determining which, if any, information records have been previously transmitted to the target dataset but no longer exists at the source dataset, and

(ii) determining which, if any, information records have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset,

wherein each information record of the source dataset is assigned a globally unique identifier that is independent of either of the devices, for identifying said each information record at both the source dataset and the target dataset, said globally unique identifier being maintained in a device-

independent record map that allows the globally unique identifier to be traced back to a specific information record regardless of which device the specific information record resides; and

based on said synchronization set, synchronizing information records of the source dataset with information records of the target dataset by:

(i) using said globally unique identifiers, deleting from the target dataset any information records which have been previously transmitted to the target dataset but no longer exist at the source dataset, and

(ii) using said globally unique identifiers, updating the target dataset so that said target dataset includes those information records determined to have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset.

References

The references relied on by the Examiner are as follows:

Kucala	5,727,202	Mar. 10, 1998
		(Filing date Oct. 18, 1995)
Meyering	5,729,735	Mar. 17, 1998
		(Filing date Feb. 8, 1995)
Buchanan	5,758,355	May 26, 1998
		(Filing date Aug. 7, 1996)
Olds et al. (Olds)	5,832,487	Nov. 3, 1998
		(Filing date Dec. 14, 1996)

Rejections at Issue

Claims 1 through 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kucala in view of Olds. Claims 14 through 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kucala and Olds and further in view of

Appeal No. 2001-1021
Application 08/923,612

Buchanan. Claims 21 through 25 and 27 through 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Meyering in view of Olds.

Throughout the opinion, we make reference to the briefs¹ and answer² for the respective details thereof.

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of Appellants and Examiner, for the reasons stated *infra*, we reverse the Examiner's rejection of claims 1 through 25 and 27 through 30 under 35 U.S.C. § 103.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ 1443, 1444 (Fed. Cir. 1992). See also *In re Piasecki*, 745 F.2d 1468,

¹Appellants filed an appeal brief on August 24, 2000. Appellants filed a reply brief on November 27, 2000. The Examiner mailed out an office communication on December 6, 2000, stating that the reply brief has been entered.

²The Examiner mailed an answer on September 18, 2000. The Board remanded to the Examiner on March 28, 2002. In response, the Examiner issued a substitute Examiner's answer on April 12, 2002. We will refer to the substitute Examiner's answer as simply the answer throughout this opinion.

1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ at 1444. See also **Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and arguments." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence and arguments of Appellants and Examiner.

For the rejection of claims 1 through 13 under 35 U.S.C. § 103 as being unpatentable over Kucala in view of Olds, Appellants argue that Olds fails to teach or suggest Appellants' claimed system where a given record in the original format or data structure is transferred from an original device to a totally different target device. Appellants argue that Olds clearly describes that each copy of a subtree or replica resides within a single network hierarchical database and does not contemplate the problem of providing synchronization of data records being transferred from one device to a totally different target device. See page 9 of Appellants' brief and pages 2 and 3 of Appellants' reply brief.

Appellants argue that Appellants' claims 1 through 13 distinguish over Olds. Appellants argue that claim 1 requires that "each information record of the source dataset is assigned a globally unique identifier that is independent of either of the devices." Claim 1 requires that the globally unique identifier be "maintained in a device-independent record map that allows the globally unique identifier to be traced back to a specific information record regardless of which device the specific information record resides." Appellants argue that the record map provides a means of identifying records to the

synchronization system's logic, independent of how the record is identified within its own dataset. This approach allows a given information record to be transferred from one device, say, a cellular phone, to a completely different device, say, a desktop computer, regardless of the fact that the receiving device does not support the original format or the information record.

Appellants argue that this is distinguished from simply transferring information records among like devices, such as like server computers as done by Olds. Appellants further argue that there would be no need to fashion an identifier that was independent of those devices because Olds can simply rely on system-dependent unique identifiers of that system. See page 10 of Appellants' brief.

Upon our review of Olds, we agree with Appellants that Olds' unique object identifier is a system dependent identifier. Olds teaches a new unique object identifier for one particular hierarchical system. See column 3, lines 10 through 15. We fail to find that Olds teaches

each information record of the source dataset is assigned a globally unique identifier that is independent of either of the devices, for identifying said each information record at both the source dataset and the target dataset, said globally unique identifier being maintained in a device-independent record map that allows the globally unique identifier to be traced back to a specific information

record regardless of which device the specific information record resides

as recited in Appellants' claims 1 through 13. Therefore, we will not sustain the Examiner's rejection of claims 1 through 13 under 35 U.S.C. § 103 as being unpatentable over Kucala in view of Olds.

Turning to the rejection of claims 14 through 20 under 35 U.S.C. § 103 as being unpatentable over Kucala in view of Olds and further in view of Buchanan, we find that the Examiner relies on Olds for the above limitation, therefore, we will not sustain the Examiner's rejection for these claims for the same reasons as stated above.

We now turn to the rejection of claims 21 through 25 and 27 through 30 under 35 U.S.C. § 103 as being unpatentable over Meyering in view of Olds. The Examiner acknowledges that Meyering does not teach the limitation of assigning a globally unique identifier. The Examiner contends that Olds provides this missing element. See pages 12 and 13 of the answer.

We note that Appellants' claims 21 recites said information of said first and second datasets comprises data records and wherein said means for determining include means for assigning to each data record a device-independent globally unique identifier created by the system for uniquely identifying each data record regardless of which dataset and device it appears.

Appeal No. 2001-1021
Application 08/923,612

As we have pointed out above, we have found out that Olds fails to teach a device-independent globally unique identifier.

Therefore, we will not sustain the Examiner's rejection for claims 21 through 25 and 27 through 30 under 35 U.S.C. § 103.

In view of the foregoing, we have not sustained the Examiner's rejection of claims 1 through 25 and 27 through 30 under 35 U.S.C. § 103.

REVERSED

MICHAEL R. FLEMING
MICHAEL R. FLEMING)
Administrative Patent Judge)
)
JOSEPH F. RUGGIERO
JOSEPH F. RUGGIERO) BOARD OF PATENT
Administrative Patent Judge)
)
STUART S. LEVY
STUART S. LEVY) APPEALS AND
Administrative Patent Judge)
)
INTERFERENCES)

MRF:pgg

Appeal No. 2001-1021
Application 08/923,612

Daryl S. Smith
1700 Green Hills Road
Scotts Valley, CA 95066



The United States Patent and Trademark Office has changed certain mailing addresses!

Effective May 1, 2003

Use the address provided in this flyer after May 1, 2003 for any correspondence with the United States Patent and Trademark Office (USPTO) in patent-related matters to organizations reporting to the Commissioner for Patents.

DO NOT USE the Washington DC 20231 and P.O. Box 2327 Arlington, VA 22202 addresses after May 1, 2003 for any correspondence with the USPTO even if these old addresses are indicated in the accompanying Office action or Notice or in any other action, notice, material, form, instruction or other information.

Correspondence in patent-related matters to organizations reporting to the Commissioner for Patents must now be addressed to:



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



RECEIVED

OCT 07 2003

Special Mail Stop designations to replace Special Box designations

Technology Center 2100

Also effective May 1, 2003, the USPTO is changing the special Box designations for Patents and Trademarks to corresponding Mail Stop designations (e.g., "Box 4" will now be "Mail Stop 4").

For further information, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003). A copy of the *Federal Register* notice is available on the USPTO's web site at <http://www.uspto.gov/web/menu/current.html#register>

A listing of specific USPTO mailing addresses (See Patents – specific) will be available on the USPTO's web site on April 15, 2003 at <http://www.uspto.gov/main/contacts.htm>

Persons filing correspondence with the Office should check the rules of practice, the Official Gazette, or the Office's Internet Web site (www.uspto.gov) to determine the appropriate address and Mail Stop Designation (if applicable) for all correspondence being delivered to the USPTO via the United States Postal Service (USPS).

Questions regarding the content of this flyer should be directed to the Inventor Assistance Center at (703) 308-4357 or toll-free at 1-800-786-9199.



NOTICE

**Board of Patent Appeals and Interferences Mail
Effective May 1, 2003**

Appeals

All correspondence in an application involved in an appeal to the Board of Patent Appeals and Interferences during the period from when an appeal docketing notice is issued until a decision has been rendered by the Board of Patent Appeals and Interferences as well as any hearing confirmations, waivers and requests for rehearing of a decision by the Board of Patent Appeals and Interferences should be mailed to:

**Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Notices of appeal, appeal briefs, reply briefs, requests for oral hearing should be addressed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Interferences

All mail to the Board relating to patent interferences should be sent to the following address unless an administrative patent judge or the Board specifically requires the use of a different address after May 1, 2003:

RECEIVED

Mail Stop INTERFERENCE OCT 07 2003
Board of Patent Appeals and Interferences
United States Patent and Trademark OfficeTechnology Center 2100
P.O. Box 1450
Alexandria, Virginia 22313-1450

Any inquiries regarding the content of this notice should be directed to a Program and Resources Administrator of the Board of Patent Appeals and Interferences at (703) 308-9797.